IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

AND
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEALS NO : 1950 & 1951 of 2002

WRIT APPEAL NO:1950 OF 2002:

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07-02-2002 in WP NO : 3839 OF 1996 on the file of the High Court.)

Between:

The Executive Engineer,

A.P.S.I.D.C.Limited, Division Office,

Sangareddy 502 001., Medak District.

..... APPELLANT

AND

1. The Authority under Payment of Wages Act,

Labour Officer, Sangareddy.

2. R.Ramalingeshwara Rao, S/o Lakshmikanth Rao,

r/o Gajwel.

3. Bikshapathi, S/o Sailoo,

r/o Gajwel.

4. T.Raju, S/o Venkat Ramulu, r/o Narsapur.

5. Ch.K.Chakravarthy, S/o P.R.Murthy,

R/o Doulatabad.

6. M.Baswaraj, S/o Pundalik,

R/o Sangareddy.

7. P.Ananda Vardhan, S/o Vithoba,

R/o Jogipet.

8. B.Prasad, S/o V.V.Rao,

R/o Sangareddy.

9. M.Sathyanarayana, S/o Anjaiah,

R/o Chandapur.

10. V.Brahmaiah, S/o Ananth Ramulu, R/o Kandi.

11. K.John Babu, S/o Satyanarayana, R/o Sangareddy.

12. Velayadhan, S/o Chandankutti,

R/o Sangareddy.

13. G.Anjaneyulu, S/o Govindu,

R/o Rangampet.

14. S.Laxmi Narayana, S/o Shankaraiah,

R/o Medak.

15. Y.Deva Kumar, S/o Bhoomaiah,

R/o Chandur.

16. Mohd. Moulana, S/o Imam Sab,

R/o Gajwel.

.....RESPONDENTS

Counsel for the Appellant: Mr. P.NAGESWAR SREE

Counsel for the Respondents: GP FOR FINANCE & PLANNING

WRIT APPEAL NO : 1951 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07-02-2002 in WP NO : 3840 OF 1996 on the file of the High Court.)

Between:

The Executive Engineer,

A.P.S.I.D.C.Limited, Division Office,

Sangareddy 502 001., Medak District.

..... APPELLANT

AND

1. The Authority under Payment of Wages Act,

Labour Officer, Sangareddy.

2. R.Ramalingeshwara Rao, S/o Lakshmikanth Rao,

r/o Gajwel.

3. Bikshapathi, S/o Sailoo,

r/o Gajwel.

4. T.Raju, S/o Venkat Ramulu, r/o Narsapur.

5. Ch.K.Chakravarthy, S/o P.R.Murthy,

R/o Doulatabad.

6. M.Baswaraj, S/o Pundalik,

R/o Sangareddy.

7. S.Venkat Rao, S/o Sreenivas Rao, R/o Sangareddy.

8. B.Prasad, S/o V.V.Rao, R/o Sangareddy.

9. M.Sathyanarayana, S/o Anjaiah,

R/o Chandapur.

10. K.Bikshapathi, S/o Ramaswamy,

R/o Mubarakpur.

11. V.Brahmaiah, S/o Ananth Ramulu, R/o Kandi.

12. K.John Babu, S/o Satyanarayana, R/o Sangareddy.

13. Velayadhan, S/o Chandankutti,

R/o Sangareddy.

14. G.Anjaneyulu, S/o Govindu,

R/o Rangampet.

15. S.Ramakrishna Reddy, S/o Narayana Reddy,

R/o Jambikunta, Medak.

16. S.Laxmi Narayana, S/o Shankaraiah,

R/o Medak.

17. Y.Deva Kumar, S/o Bhoomaiah,

R/o Chandur.

18. Mohd. Moulana, S/o Imam Sab,

R/o Gajwel.

.....RESPONDENTS

Counsel for the Appellant: Mr. P.NAGESWAR SREE
Counsel for the Respondents: GP FOR FINANCE & PLANNING

The Court made the following :

COMMON JUDGMENT: (per Hon'ble Sri Justice S. Ananda Reddy)

These two Writ Appeals are filed by the Management, questioning the proceedings of the Payment of Wages authority under the Payment of Wages Act (for short, "the Act"), under which, an order has been passed in favour of the unofficial respondents. It is stated at the time of hearing that the appellant filed a statutory appeal provided under the Act, which was returned for non-compliance of the condition of depositing of the amount awarded under the order, against which, appeals were filed. The Writ appellant, instead of pursuing the said matter, filed the Writ Petitions before this Court, questioning the original order passed under the Act and a learned single Judge of this Court, after hearing both sides elaborately, dismissed the Writ Petitions on the ground that the appellant is having an effective remedy of appeal, which he had chosen to pursue, but changed his remedy and has come up with the Writ Petitions. Therefore, the Writ Petitions were dismissed on 07-02-2002. Aggrieved by

the same, the present Writ Appeals are filed.

2. At the time of hearing, it is brought to our notice that in pursuance of the orders of this Court, the wages that are payable in pursuance of the orders passed under the Act have already been deposited, in addition to 50% of the compensation awarded. The appellant is also willing to deposit the remaining 50% of the compensation awarded.

3. Under the above circumstances, these Writ Appeals are disposed of, with a direction to the appellant to deposit the remaining 50% of the compensation awarded, within four weeks from the date of receipt of a copy of this order and on such deposit, the appellant is given the option to approach the appellate authority under the Act to seek proper remedy, to pursue the remedy of appeal with reference to the amount already deposited, both in respect of the wages as well as the compensation. The unofficial respondents in whose favour the order has been passed by the Payment of Wages authority under the Act are entitled to withdraw the same, without furnishing any security, however, subject to any orders that are going to be passed by the appellate authority.

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(T.MEENA KUMARI,J)

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(S.ANANDA REDDY,J)

29th December, 2004.

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To

1. The Authority under Payment of Wages Act,

Labour Officer, Sangareddy.

2. Two CCs to the GP FOR FINANCE AND PLANNING,

High Court of A.P., Hyderabad (O.U.T.)

3. Two CD Copies.